WPMS No. 232 of 2002

Hon'ble P.C. Verma, J.

Heard Sri T.A.Khan, learned counsel for the petitioner and Sri Manoj Tewari, learned counsel for the respondents.

This writ petition has been field by the petitioner to issue order or direction quashing the order dated 05.11.2002 passed by Addl. District Judge, Haldwani in rent control appeal No. 6/99 by which he has rejected the application for amendment during the pendency of the appeal.

The appellant had moved an application before the Appellate Authority for amendment to raise the ground to non-maintainability of the application under Section 21 of Act No. 13 of 1972. The Appellate Court has recorded a finding that the amendment was not required, as the proceeding is under U.P. Act No. 13of 1972. The ground, which was sought to be amended, is legal one and can be raised by way of argument also.

I do not find any illegality or perversity in the order passed by the Appellate Authority. Therefore, the petition is dismissed. No order as to costs.

However, it is made clear that the question of petitioner being a tenant under the valid allotment order, shall be determined by the Appellate Court. The Appellate Authority is directed to decide the appeal within one month from today.

(P.C Verma, J.)

12.11.2003:

NCM: